

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IDOLTHUS HUBBARD,

Petitioner,

v.

Case No. 2:07-CV-15392

THOMAS K. BELL,

Respondent.

**ORDER DENYING PETITIONER'S MOTION
FOR APPOINTMENT OF COUNSEL**

This matter is before the court on Petitioner Idolthus Hubbard's motion for appointment of counsel. Petitioner states that he is indigent, that his claims are complex, and that he lacks the legal training and resources to litigate those claims. Petitioner has submitted his habeas petition and supporting documents. Respondent Thomas K. Bell has recently filed an answer to the petition. Petitioner has not yet filed a reply to that answer.

Petitioner has no absolute right to be represented by counsel on federal habeas corpus review. See *Abdur-Rahman v. Michigan Dept. of Corr.*, 65 F.3d 489, 492 (6th Cir. 1995); see also *Wright v. West*, 505 U.S. 277, 293 (1992) (citing *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987)). “[A]ppointment of counsel in a civil case is . . . a matter within the discretion of the court. It is a privilege and not a right.” *Childs v. Pellegrin*, 822 F.2d 1382, 1384 (6th Cir. 1987) (quoting *United States v. Madden*, 352

F.2d 792, 793 (9th Cir. 1965)). After undertaking a preliminary review of the pleadings, the court concludes that neither an evidentiary hearing nor discovery are necessary at this time, and the interests of justice do not require appointment of counsel. See 18 U.S.C. § 3006A(a)(2)(B); 28 U.S.C. foll. § 2254, Rules 6(a) and 8(c).

Accordingly,

IT IS ORDERED that Petitioner's motion for appointment of counsel [Dkt. # 12] is DENIED. The court will bear in mind Petitioner's request if, upon further review of the case, the court determines that appointment of counsel is necessary. Petitioner need not file an additional motion concerning this issue.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: August 29, 2008

I hereby certify that a copy of the foregoing document was mailed to Idolthus Hubbard and counsel of record on this date, August 29, 2008, by electronic and/or ordinary mail.

s/Lisa G. Wagner
Case Manager and Deputy Clerk
(313) 234-5522